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Chairman: Mr. Hachani ..... (Tunisia)
later: Ms. Sandru (Vice-Chairman) ..... (Romania)

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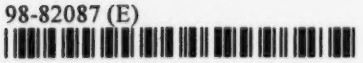

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The meeting was called to order at 10.20 a.m.

Agenda item 110: Human rights questions (*continued*)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*) (A/53/372)

1. **Mr. Valencia Rodríguez** (Ecuador) said that the Vienna Declaration and Programme of Action expressed the determination of all States to "reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small". The Declaration and Programme constituted the starting point for the fulfilment by all States of their obligations under the Charter of the United Nations, other human rights instruments and international law.

2. In that context, Ecuador reiterated the declaration of the heads of State and Government of the Rio Group meeting in Panama in September 1998, in which they stressed that human rights, democracy and development were universal and indivisible and constituted an indissoluble part of the identity of their societies.

3. The instruments adopted at the World Conference on Human Rights were invaluable tools for protecting human rights. As the Economic and Social Council had pointed out, United Nations organs and specialized organizations should coordinate their efforts to promote in an integrated manner all human rights, including the right to development.

4. Ecuador commended the establishment of the post of High Commissioner for Human Rights. It welcomed with satisfaction the report on follow-up to the World Conference on Human Rights (A/53/372), particularly the conclusions contained therein. As a signatory of the main international treaties, Ecuador regretted that their scope was limited by reservations made by many States.

5. Between 1993 and 1998, substantial changes had been made in Ecuadorian legislation: a new Constitution had been promulgated; laws on the punishment of violence against women, the decriminalization of homosexuality, the protection of workers, measures to ensure that at least 20 per cent of the candidates on the electoral rolls were women, and the appointment of the Defender of the People had been adopted, and the provisions of the Penal Code concerning detention had been amended. A national plan on human rights, together with an operative plan of action, had been adopted on 29 March 1998, and a permanent commission had been established to monitor its implementation. Ecuador had requested the United Nations to assist it in preparing a programme on the right to development.

6. Fifty years after the adoption of the Universal Declaration of Human Rights and five years after the World Conference on Human Rights, the international community in general and every person in his or her particular sphere of competence must strive for the protection and promotion of human rights and make 1998 Human Rights Year.

7. **Mr. Ruiz y Ávila** (Mexico) said that the fiftieth anniversary of the Universal Declaration of Human Rights and the five-year evaluation of the commitments made at the Vienna Conference were irrefutable proof of the efforts of the United Nations to promote the rights of the human person.

8. The Mexican Government attached high priority to the promotion of human rights. Its national development plan for the period 1995–2000 reaffirmed that strict observance of human rights was essential in any State based on the rule of law. In 1990, Mexico had established one of the world's largest mediation systems, which consisted of a national commission and 32 local commissions.

9. The Ministry of Foreign Affairs chaired and coordinated a commission responsible for monitoring Mexico's compliance with its human rights obligations arising from the instruments to which it was a party, and preparing reports on its findings. The Government planned to withdraw a number of reservations it had made when it had acceded to several instruments, since those reservations were no longer justified.

10. Mexico was an active participant in international meetings on human rights, and cooperated with the mechanisms that had been established under United Nations auspices. Mexico had been visited by several special rapporteurs. For the Government of Mexico and Mexican non-governmental organizations and educational establishments, the observance of the fiftieth anniversary of the Universal Declaration of Human Rights had been an occasion for disseminating information about the Declaration. Mexico had engaged in concrete follow-up to the Vienna Declaration and Programme of Action. A national infrastructure for providing instruction in the field of human rights had been established and human rights protection had improved. A law on court-appointed lawyers had been promulgated, steps had been taken to prevent and punish domestic violence, and a programme to combat child prostitution and child pornography had been adopted. Mexico had acceded to the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights. The National Human Rights Commission had submitted to the competent committee of the Chamber of Deputies a draft bill on the

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crime of forced disappearance, and the Senate was currently considering the text of the declaration by which Mexico would accept the obligatory jurisdiction of the Inter-American Court of Human Rights.

11. Human rights protection must be based on the principles of universality, indivisibility and interdependence and should become a reality in all countries. It should not be used as a pretext for exerting political pressure.

12. In spite of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, many Mexican migrant workers had been victims of police violence or had been prevented from exercising their basic rights, particularly in the areas of health and education. Those practices seemed to be motivated by racial discrimination. The Mexican Government had sent the text of the International Convention to the Senate and hoped that it would be approved and subsequently ratified. That instrument should be ratified as soon as possible by a large number of States, and the international community should redouble its efforts to prevent violations of the rights of migrant workers. He also hoped that the recommendations of the group of experts established by the Commission on Human Rights would result in concrete measures.

13. The death penalty was a gross violation of the most basic right, the right to life. It was paradoxical that, at a time when the value of the rights contained in the Universal Declaration was being more and more widely acknowledged throughout the world, the practice of capital punishment was increasing. Although Mexico had abolished the death penalty 60 years earlier, 39 Mexicans had been sentenced to death in other countries, and they often lacked the benefit of the consular protection provided for under international law. Mexico requested the Inter-American Court of Human Rights to formulate an advisory opinion on minimum guarantees for foreigners sentenced to death who had not been informed of their right to request assistance from the consular authorities of their country.

14. The Mexican Government reaffirmed its deep commitment to human rights and its determination to redouble its efforts to achieve the objectives of the Vienna Declaration and Programme of Action.

15. **Mr. Wenaweser** (Liechtenstein) said that the establishment of the Office of the High Commissioner for Human Rights was the most visible result of the World Conference on Human Rights; however, there continued to exist a wide gap between the promise of human rights and their reality.

16. The international community had affirmed in Vienna the universality of human rights and stated that their promotion was the first responsibility of Governments. Aware of the importance of the results of the Vienna Conference, Liechtenstein had ratified or acceded to five of the six core human rights instruments. His delegation hoped that accession to the core treaties and their optional protocols would soon be universal and that the human rights regime would be complemented through optional protocols to the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women. Ratification in itself was not enough, for the instruments must be implemented. In that regard, the ratification of the communications procedure provided for in several instruments was important, since those procedures made human rights a concrete reality for the individuals concerned. The many reservations which impeded the implementation of treaties should also be addressed, and the International Law Commission and several treaty bodies had begun to so.

17. The principle that all human rights were universal, indivisible and interdependent should make it possible to overcome the dichotomy of economic, social and cultural rights on one side and civil and political rights on the other. His delegation hoped that the implementation of the right to development could play a catalytic role in that respect. It also welcomed the increasing role which human rights issues were playing in United Nations operational activities. Democracy, human rights and development were interdependent and mutually reinforcing, and the United Nations should recognize that fact, especially in its peacekeeping and peace-building activities.

18. The United Nations was according an increasingly important role to prevention in various activities. It was essential for States and the international community to make every effort also to prevent any violation of human rights. The International Criminal Court, whose statute had recently been adopted, was not a human rights court, but its existence would make it possible to prevent some of the most serious crimes under international law and put an end to the impunity which the perpetrators of such crimes had enjoyed.

19. The question of individual responsibility and non-State actors should also be examined in detail. The line between human rights and humanitarian law was becoming increasingly blurred and artificial, and account should be taken of that new reality.

20. The Vienna Declaration and Plan of Action had stressed the importance of non-governmental organizations, and his delegation welcomed in that regard the forthcoming

adoption by the General Assembly of a declaration on human rights defenders, which would make an important contribution to Human Rights Year.

21. **Mr. Koziy** (Ukraine) welcomed the conclusions adopted at the substantive session of the Economic and Social Council in 1998, which indicated that a new approach was being taken by the United Nations to the strengthening of its capacity through the involvement of its specialized agencies and programmes in human rights activities.

22. To streamline its work, the Commission on Human Rights had entrusted its Bureau with the task of reviewing its mechanisms. The Commission could thereby discover its potential, overcome its difficulties and adequately address the most urgent issues relating to human rights.

23. The Vienna Conference had outlined the ways that Member States could demonstrate their support for the ideal of human rights. Such ways included signing the core United Nations human rights instruments, limiting and eventually withdrawing their reservations and taking seriously their obligations under those instruments.

24. Ukraine had carried out important projects in the fields of human rights, the advancement of women and the fight against racism. It had also acceded to the core international human rights instruments and withdrawn all the reservations it had made upon ratification, except those concerning article 20 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the withdrawal of that reservation was currently being considered by Parliament.

25. On the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, Ukraine had established a national committee and adopted a programme of action for the promotion of human rights instruments, which had culminated with an international conference held in Yalta under the joint sponsorship of the Government and the Regional Bureau of the United Nations Development Programme. That Conference had brought together delegations from 27 countries of Eastern Europe and the Commonwealth of Independent States, together with observers and non-governmental organizations.

26. Ukraine was continuing its democratic reforms. Its human rights policy was guided by the concern to revive the Ukrainian culture, language and customs, to ensure respect for the rights of various national, ethnic, religious or linguistic groups and to assist in the return and settlement of persons who had been deported during the totalitarian regime. Ukraine considered that the defence of human rights was a key issue for securing the peace, stability and understanding that were needed for the country's sustainable development.

27. **Mr. Ball** (New Zealand) welcomed the progress made over the past five years in various fields, namely, human rights institutions, the protection of women, children and vulnerable groups, and human rights education. However, grave human rights violation continued to occur. The Vienna message was one of hope, but it was also a programme of action which should be the main focus of the work of the United Nations and its Member States. There was a need to develop a global partnership for human rights, as mandated by the Vienna Declaration, and his delegation welcomed the significant steps taken by the United Nations in that direction. The establishment of the Office of the High Commissioner for Human Rights had made an important contribution. His delegation fully supported the High Commissioner's efforts to improve the Organization's human rights machinery.

28. To enhance the effectiveness of international human rights instruments, there must first be universal ratification of all of them. New Zealand was a party to the six core treaties, and it was concerned that almost a third of all countries had not yet ratified the two legal pillars of the International Bill of Human Rights, the Human Rights Covenants. It therefore supported the High Commissioner's call for a commitment by countries to ratify the six treaties within the next five years.

29. New Zealand welcomed the technical assistance offered by the Office of the High Commissioner for Human Rights to facilitate the ratification of treaties, especially for small States which might have particular difficulties. However, it was not enough to obtain ratifications; the resources must also be found to enable the treaty bodies to function effectively.

30. Prevention should be at the centre of international human rights efforts. New Zealand supported the adoption of a comprehensive approach to the prevention of violations; that approach, inspired by the Vienna Declaration and Programme of Action, should be based on a recognition of the linkages between development, democracy and respect for human rights, and on the universal, indivisible and interdependent nature of those rights.

31. Pursuant to the Vienna Declaration and Programme of Action, New Zealand offered technical assistance, which absorbed a growing portion of its budget, under its good governance and human rights capacity-building programmes. It also supported the development of independent national human rights institutions, in cooperation with the Office of the High Commissioner and with the Asia-Pacific Forum of

National Human Rights Institutions. National institutions should be at the forefront in promoting those standards endorsed by the international community. Innovative mechanisms for cooperation were needed, and New Zealand welcomed the growing presence of human rights officers in the field.

32. Primary responsibility for the protection of human rights lay with Governments; however, realization of human rights also required a commitment across civil society. Non-governmental organizations had played a key part in the Vienna Conference and they were making an important contribution to its follow-up. As the High Commissioner had pointed out, the skills and knowledge of non-governmental organizations and civil society must be fully utilized. In New Zealand, non-governmental organizations played a very important role by raising awareness and contributing to the resource base.

33. The Vienna Declaration and Programme of Action represented a turning point in the international community's approach to the issue. But the goal of full realization of human rights was still a long way off. That was why the Programme of Action was truly a platform for action.

34. **Mr. Suh Dae-won** (Republic of Korea) said that the Vienna Declaration and Programme of Action presented the international community with a well-defined blueprint for action and that the five-year review of the Programme's implementation should make it possible to assess the progress made in the area of human rights.

35. The post of High Commissioner for Human Rights, which had been created in response to the recommendations of the Vienna Declaration and Programme of Action, had helped to strengthen the United Nations human rights machinery; those developments owed much to the Secretary-General's reform initiatives. However, much remained to be done in the promotion of human rights and fundamental freedoms.

36. First of all, all States should ratify the six principal international human rights instruments; the latter included the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which nearly one third of the Member States of the United Nations had yet to accede to. In order to make that accession truly meaningful, it was necessary to ensure that the instruments were fully complied with; that was the responsibility not only of States but also of the human rights treaty bodies and non-governmental organizations.

37. Secondly, civil and political rights should not be separated from economic, social and cultural rights. The Commission on Human Rights had been right to emphasize the right to development and to education and the fight against extreme poverty. The United Nations Development Programme and other development-related organs of the United Nations should incorporate the provisions of the International Covenant on Economic, Social and Cultural Rights and of the other relevant instruments into all their activities. Concerning the right to development more specifically, priority should be given to good governance.

38. Thirdly, the United Nations human rights mechanisms, starting with the Office of the High Commissioner, should be provided with increased human and financial resources. His Government supported the efforts made by the Secretariat and the Office of the High Commissioner for Human Rights and hoped that the review being undertaken by the Bureau of the Commission on Human Rights would produce positive results.

39. Finally, technical assistance programmes and field presence in human rights should be further strengthened; the Office of the High Commissioner for Human Rights should place greater emphasis on enhancing the complementarity between monitoring and technical assistance. Steps should be taken to prevent massive human rights violations, which were a cause of future conflicts, so that the next century might be, as the Secretary-General hoped it would be, an age of prevention.

40. On the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, all States should reaffirm the commitments made at Vienna, emphasizing human rights education, the establishment of national human rights institutions and the increased recognition of the rights of women, children and vulnerable groups as an integral part of human rights. The Government of the Republic of Korea was preparing to enact a comprehensive human rights act and to establish a national human rights institution as part of its determined efforts to establish a democratic society where all people were guaranteed well-being and the enjoyment of their human rights and fundamental freedoms.

41. **Mr. Kishore Mahbubani** (Singapore), noting that that year marked the fiftieth anniversary of the Universal Declaration of Human Rights and the year for the five-year review of the implementation of the Vienna Declaration and Programme of Action, said that the results were mixed.

42. Human rights had come a long way since 1948: how a State treated its citizens was no longer a matter for the State's exclusive determination; there was an emerging global consensus on human rights and the international community had codified human rights in a number of

international conventions and instruments. But there was no reason to rejoice.

43. First of all, the human condition had not improved. Billions of people continued to be mired in poverty with little or no access to clean water or electric power. Each day 34,000 children died of malnutrition or preventable diseases. Equally disturbing was the number of civilians killed in armed conflicts; their numbers might well have increased since the Vienna Conference. During the First World War, 90 per cent of the casualties had been soldiers and 10 per cent civilians; those figures had now been reversed.

44. Secondly, when it came to determining whether a violation of human rights had occurred, the international community tended to apply a double standard. The poor and weak nations were criticized, whereas the more powerful ones could, with impunity, subordinate human rights to the political interest. However, human rights was a moral rather than a political issue. Furthermore, sanctions applied against countries accused of transgressing human rights had not worked; they had hurt the weak and impoverished, never the elite. If the aim was to improve the human rights situation, instead of isolating those countries, contacts with them should be increased. But such a change of policy would require political leaders of certain developed countries to demonstrate courage; thus far they had failed to do so.

45. Thirdly, no country had the right to impose its values on all societies. Unfortunately the final report of the High Commissioner for Human Rights presented abolition of the death penalty as a universal human right, although many countries considered capital punishment an essential means of preserving its social order.

46. Fourthly, the Universal Declaration of Human Rights had been written in 1948 when the writers were preoccupied with the problems of fascism and totalitarianism. But the world had changed greatly since then and most societies enjoyed greater and political freedom. That had led to a culture of permissiveness. The more traditional countries had the right to protect themselves from contact with such permissiveness. In certain developed countries permissiveness had led to the diminution of the notion of responsibility. It was necessary to restore a balance between rights and responsibilities. It would be arrogant to pretend that the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action provided the perfect answer to all problems that arose in the area of human rights.

Ms. Sandru (Romania), Vice-Chairman, took the Chair.

47. **Ms. Buck** (Canada) said that, while there had been considerable progress in the international human rights system, the goals set out in the Universal Declaration and at the Vienna Conference were still far from being achieved. The special session of the Economic and Social Council had shown that the organizations in the United Nations system were increasingly integrating the promotion of human rights into their activities. The presence of the Office of the High Commissioner for Human Rights had been reinforced in a number of countries and efforts were focused on national human rights institution-building.

48. The report of UNDP rightly recognized that development could not be dissociated from human rights. The Executive Committee of the Office of the United Nations High Commissioner for Refugees (UNHCR) had also recognized the link between refugee flows and human rights violations and the need for closer integration of human rights concerns into the work of UNHCR and closer cooperation with the Office of the High Commissioner for Human Rights.

49. Human rights were also being increasingly integrated into the peace and security field. Human rights served as a key diagnostic tool for impending conflicts and strong human rights institutions could help to resolve tensions before they spilled over into violence. It was therefore important for the Department of Political Affairs to cooperate closely with the Office of the High Commissioner for Human Rights.

50. In his report on the implementation of the Vienna Declaration and Programme of Action (A/53/372), the Secretary-General highlighted the measures to be taken at the national level to give effect to the universality, indivisibility and interdependence of human rights, create a favourable environment for human rights, prevent mass and grave violations, protect the human rights of women and strengthen the role of civil society and non-governmental organizations. The latter had, indeed, become essential partners in the international human rights system through their work in teaching human rights and building institutions at the national level; they also enriched the debate at the international level. That was why her delegation had been so insistent that they should play a key role in the debate in the General Assembly on the Vienna Declaration. Their participation was all the more fitting in that on 10 December the General Assembly would adopt the Declaration on human rights defenders, proposed 13 years earlier by Norway and Canada to recognize the crucial role played by non-governmental organizations and civil society.

51. There was a growing culture of human rights. As the High Commissioner for Human Rights had stated, that constituted a good basis for future work on human rights.

52. **Ms. Babushka** (Romania) said that the Vienna World Conference had represented a milestone since it had provided a modern vision of human rights based on the concept of interdependence and mutual reinforcement between democracy, development and human rights. In that connection, her delegation welcomed the agreed conclusions adopted by the Economic and Social Council as useful guidelines for enhancing cooperation and coordination between the organizations of the United Nations system with a view to assisting Governments and civil society more effectively in the promotion of human rights.

53. Her delegation shared the view that Governments bore the primary responsibility for the promotion and protection of human rights. That principle had acquired particular significance for her country in the context of the profound democratic transformations it had undergone. At the same time, civil society should also be involved in the formulation and implementation of policies and programmes, and national efforts should be supported by the United Nations and other international organizations.

54. Romania had acceded to the principal international human rights instruments and to the European Convention on Human Rights and other important conventions of the Council of Europe, including the Framework Convention for the protection of national minorities. The Romanian Constitution provided for the integration of international human rights treaties into domestic legislation.

55. Various measures had been taken to improve and update the national legal and institutional framework, including the creation of the post of human rights ombudsman. Since 1993 a national programme for human rights education and democracy had been carried out with the participation of public institutions and various actors in civil society. Special efforts were being made to create a climate of tolerance and to guarantee the full enjoyment of fundamental rights by all citizens, including those belonging to national minorities. A national plan of action had been designed to ensure gender equality and legal and administrative steps had been taken to guarantee equality of opportunity in employment and to combat domestic violence. The protection of the rights of the child was one of the major concerns of the Romanian Government. To that end, a national plan was being implemented in close cooperation with civil society and with the valuable assistance of UNICEF.

56. **Ms. Antonino** (Philippines) said that the Government of the Philippines was fully committed to the protection and promotion of human rights and believed that individual rights, democracy and the right to development were indivisible and interdependent. The primacy of human rights was guaranteed in the 1987 Constitution and the provisions of the Constitution relating to civil, political and economic rights and social justice had been strengthened. The Philippine Commission on Human Rights had been established essentially to monitor compliance with international treaty obligations and to investigate violations of human rights. The Philippines was a State Party to 20 international human rights instruments and, since the adoption of the Vienna Declaration and Programme of Action, had taken significant steps to honour its commitments. A national plan of action on human rights had been adopted in 1995 following extensive consultations between the Government, non-governmental organizations and civil society. The Indigenous Peoples Rights Act had been promulgated in 1997 and a Commission had been established under the office of the President to give effect to it.

57. A committee had been created to coordinate the activities carried out in connection with the Decade for Human Rights Education. Two training modules had been developed for primary and secondary schools and an awareness-raising campaign had been launched with the participation of community organizations, non-governmental organizations and other actors in civil society. The Philippine Commission on Human Rights had been awarded a prize by UNESCO.

58. Her delegation fully supported the proposal that indicators should be developed to measure progress in the exercise of human rights and in the attainment of the objectives of the Vienna Declaration and Programme of Action. The Philippines would welcome the assistance of the Office of the High Commissioner in evaluating the impact of its programmes in the field of human rights. It supported the agreed conclusions of the Economic and Social Council. Like most developing countries, it had established legal, administrative and other institutions to promote and protect civil and political rights. However, poverty prevented a large part of the population from effectively enjoying such rights. International cooperation was essential to assist national efforts to eradicate poverty and create conditions conducive to the enjoyment of human rights, including the right to development.

59. **Mr. Alaii** (Islamic Republic of Iran) said that the review of the follow-up to the Vienna Declaration and Programme of Action was only valid to the extent that it

gave equal value, in theory and practice, to all the tenets and recommendations set forth in those documents, since any selectivity could lead to regression.

60. Cooperation was a powerful engine for the promotion of human rights at the international level and could do much to improve results at the national level. Without it, the ambitious goal of ensuring respect for all human rights for all at the national and international levels in the next century would continue to be elusive.

61. It was not enough to increase the number of ratifications and accessions to the international instruments, because ratification did not necessarily represent implementation. A culture of human rights must be spread in all societies. That could not be attained by confrontation. Factions and political rivalries must be set aside: the struggle for human rights was a cultural battle in which the main weapon was cooperation. The universal ratification of international instruments was an important objective, but efforts to encourage ratification must be accompanied by measures to foster an international environment that was conducive to full respect for those rights in a true spirit of partnership and cooperation. The High Commissioner was rightly concerned about the number of States which had not ratified the core international human rights instruments. A critical analysis of the causes of that situation should be initiated. Non-ratification of instruments, resort to reservations or even withdrawal from treaty obligations did not necessarily mean that States were reluctant to join a system of international standards, but that they were sceptical about the system. There were two reasons for that scepticism: first, the current political atmosphere encouraged the arbitrary use of the existing mechanisms by a number of Member States against the others, and second, the existing mechanisms did not give formal and legal recognition to the diversity and cultural particularities of States. He welcomed the initiative by the United Nations High Commissioner for Human Rights to hold a seminar on the universality of human rights and the Islamic perspective on the Universal Declaration of Human Rights, which demonstrated a desire for dialogue and cooperation.

62. The international community must take into account the legitimate concerns of States which had not yet acceded to the six major treaties and other international instruments.

63. The principal objective of the global initiatives taken since 1948 in the sphere of human rights was to achieve the equality of all peoples and individuals without distinction as to race, colour, gender or language. The struggle against racism must take a holistic approach and tackle all manifestations of racism, xenophobia and discrimination against women in all parts of the world. Any programme must include educational and promotional activities as well as advisory services and technical assistance.

64. He welcomed the efforts made by the Office of the United Nations High Commissioner for Human Rights to support the preparatory process, including regional conferences, for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

65. **Ms. Arystanbekova** (Kazakhstan) said that the principles and recommendations emanating from the World Conference on Human Rights would not acquire full significance unless their implementation was ensured at all levels, in the first place at the national level. Universal ratification of the human rights instruments would certainly improve the situation, but must be associated with follow-up activities.

66. International cooperation in the sphere of human rights was tending to grow, as indicated by the increasing number of States which had ratified the international instruments. However, accession to international instruments depended on the existence of the necessary social conditions for guaranteeing human rights at the national level. The accession to instruments was influenced by national historical, cultural and religious features of States. At the same time, the universal nature of human rights must constantly be borne in mind.

67. The concept of human rights was constantly changing; there was an increasing tendency to include the right to development, the right to peace, and the right to a healthy environment.

68. The Constitution of Kazakhstan provided that international treaties took precedence over any other laws. Kazakhstan's accession to the international instruments was guided by national priorities, one of which was the protection of the rights of the most vulnerable groups. It was no accident that one of the first international treaties signed by Kazakhstan since gaining independence was the Convention on the Rights of the Child. Kazakhstan was a party to more than 18 multilateral human rights treaties. In 1998, the fiftieth anniversary of the Universal Declaration of Human Rights, it had acceded to six of those instruments.

69. Kazakhstan attached great importance to international, regional and sub-regional cooperation for the protection of human rights. To make that cooperation possible, however, certain conditions must be created at the domestic level. Kazakhstan's participation in international treaties would expand as its economic potential was developed.

70. The protection of human rights must be ensured by the system of State organs, on the basis of broad consensus. The commission on human rights attached to the Office of the President played an important role in that respect. Its task was to identify the causes and sources of human rights violations and develop means of eliminating them. With its local representatives, it ensured a reliable link between the authorities and the population and public associations. It established partnership relations with representatives of civil society, organized conferences and seminars, and developed human rights curricula for educational institutions. It received support from the United Nations Office in Kazakhstan.

71. Aware that, as the World Conference on Human Rights had proclaimed, international cooperation was useful in promoting human rights, but primary responsibility lay with Governments and civil society, Kazakhstan had implemented a comprehensive programme of democratization in all spheres: elections, political parties, parliament, civil society, the judicial system, the status of women and the media.

72. The President, in a message to the population, had made a commitment to take decisive measures to resolve acute social problems, combat corruption and improve the management of the State. That was the only way to guarantee the fundamental freedoms of all citizens in the multiethnic society of Kazakhstan, preserving values such as cultural diversity and inter-ethnic harmony. Kazakhstan was determined to strengthen pluralism, guarantee fundamental freedoms, develop secular democracy and respect the provisions of the Vienna Declaration and Programme of Action.

73. **Mr. Snoussi** (Morocco) said that the moral and political commitment that the international community had wanted to demonstrate 50 years ago, by adopting the Universal Declaration of Human Rights, reflected the aspiration of all human beings to overcome injustice, intolerance and arbitrariness and to protect their most precious asset, their humanity. With the adoption of the Vienna Declaration and Programme of Action by the World Conference on Human Rights, the international community had reaffirmed its commitment to the promotion of human rights. During the 50 years that had elapsed since the adoption of the Universal Declaration of Human Rights, the world had witnessed the accession by many countries to independence, the abolition of slavery and the disappearance of apartheid — thus the most heinous types of injustice and arbitrary power had been eliminated. However, much more remained to be done to combat acts of genocide, ethnic conflicts, religious persecution, discrimination and xenophobia, and the servitude of women and children.

74. Universal human rights could not be attained if certain rights or categories of rights were arbitrarily given more importance than others. In view of the interrelationship between development, democracy and human rights, the attainment of a consensus on the right to development should be one of the international community's main objectives.

75. It was hard to accept that on the eve of the twenty-first century, 20 per cent of the world's population living in the richest countries should continue to account for 86 per cent of world consumption. The developing countries alone could not overcome such handicaps, which were likely to jeopardize what they had worked so long and so hard to achieve.

76. Given the rise in racism, xenophobia, torture, arbitrary arrests, summary executions, persecution and the sexual exploitation of children, the need for the international community to adopt effective measures to eradicate those evils was now more pressing than ever. At the end of the twentieth century, no one should lose their dignity, their security or — as sometimes happened — their life because of their race, their colour or their religion. Morocco's constitution solemnly reaffirmed its commitment to internationally recognized human rights. His Government had ratified the majority of international human rights instruments and had established an advisory council on human rights that ensured that the country's legislation was in line with the spirit and letter of international instruments to which Morocco was a party. At the national level, the Ministry of Human Rights was responsible for issues concerning the promotion and protection of human rights and it was assisted in its work by many non-governmental organizations of different political persuasions. It was within that context that Amnesty International planned to hold its world congress in Marrakesh in December 1998.

77. Today, more than ever, the United Nations was duty bound to free those suffering from tyranny, fanaticism and intolerance which were unacceptable injustices and to ease the suffering of those mired in abject poverty.

78. **Ms. Aghadjanian** (Armenia) said that, if the Vienna Declaration and Programme of Action were fully implemented, it could prove a milestone in the history of humankind. The unprecedented number of States which had participated in the Vienna Conference clearly demonstrated the importance that the international community attached to the issue of human rights. The Conference had reaffirmed the universal nature of human rights and fundamental freedoms. It had also reaffirmed that such rights and freedoms were the birthright of all human beings and that democracy, development and respect for human rights and

fundamental freedoms were interdependent and mutually reinforcing. In addition, it had pointed out that the United Nations had a special role to play in the protection and promotion of human rights and, that was made clear in the Secretary-General's reform package.

79. Cooperation could do much to strengthen the protection and promotion of human rights at the national level. Since its independence, Armenia had acceded to the six core human rights treaties without reservation and had been striving to bring its domestic legislation into line with international norms and standards, particularly in the field of human rights, and to establish a democratic society. Under the Armenian Constitution which had been adopted in 1995, international instruments took precedence over domestic legislation. The observance of the Human Rights Year had coincided with a new stage of democratization in her country and, in March, the Armenian President had established a Presidential Commission on Human Rights which would later be replaced by an Ombudsman.

80. Her Government had developed, in close cooperation with non-governmental organizations, a programme of activities to commemorate the fiftieth anniversary of the Universal Declaration of Human Rights and the fifth anniversary of the Vienna Declaration and Programme of Action. All the international human rights instruments had been translated into Armenian and various programmes on human rights were being broadcast on radio and television.

81. Despite the progress achieved, much remained to be done. In 1998, during the coordination segment of its substantive session, the Economic and Social Council had considered new ways of implementing the principles adopted at the Vienna Conference, especially taking into account the restructuring of the Office of the United Nations High Commissioner for Human Rights and the High Commissioner's new mandate and role. The fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted unanimously by the General Assembly on 9 December 1948, preceded by one day the fiftieth anniversary of the Universal Declaration of Human Rights.

82. In conclusion, she wished to stress that the Charter of the United Nations had been proclaimed on behalf of "We the peoples of the United Nations"; it was therefore the peoples, not the Governments, who constituted the United Nations and whose rights must be protected.

83. **Mr. Kumar Sarnaik** (India) said that the main principles of the Vienna Declaration and Programme of Action, on which his country's human rights policy was based, included the universal nature of human rights and fundamental freedoms, the belief that such rights and freedoms were the birthright of all human beings and that their protection and promotion was the first responsibility of Governments. Since independence, the driving force behind India's nation-building effort had been the strengthening of democracy, development, social justice and respect for human rights and fundamental freedoms. Since the World Conference on Human Rights, awareness of the importance of human rights had grown, due *inter alia* to the contribution of the courts, increasing popular participation in politics, the empowerment of the most vulnerable social groups and the contribution of non-governmental organizations. The setting up of the National Human Rights Commission, one of the most notable advances since 1993, had been accompanied by other institutional and legal measures.

84. The Declaration and Programme of Action had also stressed that the promotion and protection of all human rights was a legitimate concern of the international community, and must therefore be considered a priority objective of the United Nations. That concern should be understood to refer not only to civil and political rights, but also to economic, social and cultural rights, and should be backed by a sense of national and international solidarity. One area to which the international community had given insufficient attention was the problem of extreme poverty, which was an affront to human rights and dignity.

85. Development should not take place at the expense of democracy. However, democracy and respect for human rights were not enough to guarantee development. The latter must also be stimulated by favourable internal and external conditions. That was where international cooperation had a part to play.

86. The Vienna Declaration and Programme of Action recognized that everyone had the right to enjoy the benefits of scientific progress and its applications, while noting, however, that such progress could have adverse effects on human rights. Some of the most spectacular advances had been made in the life sciences. Insofar as such advances gave human beings the power to favour one form of life over another, they could represent a threat to human rights.

87. Terrorism, which was a violation of the right to life and of the right to freedom of opinion and expression, also posed a serious threat to human rights in general. All forms of terrorism must be tackled, since any selectivity in that respect would challenge the universality of human rights.

88. United Nations human rights activities should be coordinated without, however, duplicating the functions of the Office of the High Commissioner.

89. He deplored the politicization of the debate on human rights, in which the private interests of States had a tendency to take precedence over the common endeavour to promote those rights. He hoped that the five-year review of the Vienna Declaration and Programme of Action would contribute to the new consensus that had been reached at Vienna.

90. **Mr. Valdivieso** (Colombia) said that in the Vienna Declaration and Programme of Action States had given a solemn commitment to protect human rights. The World Conference on Human Rights had stressed the universal, interdependent and indivisible nature of those rights, thereby encouraging the development of a culture of human rights; that was a remarkable achievement for mankind at the end of the twentieth century.

91. In Vienna, States had made a commitment to protect human rights regardless of their own level of economic and social development or of the burden which they might have to bear in order to combat transnational organized crime. While Governments had the primary responsibility to protect human rights, civil society also had a role to play. The international community preferred cooperation over the use of sanctions as a means of furthering the objectives of the Vienna Declaration and Programme of Action.

92. Colombia was determined to implement the Vienna Programme of Action. According to the national Constitution the rights and obligations contained therein were to be interpreted in accordance with the international human rights treaties ratified by Colombia. Furthermore, Colombia had already achieved the five-year goal which the international community had set itself, namely, to adhere to the six core international human rights instruments and their protocols.

93. In addition to those legal achievements, the Government had begun a dialogue with rebel groups in order to settle a long-running guerrilla insurgency, for a State could hardly guarantee citizens the peaceful exercise of their rights and improve their standard of living if their very lives were put at risk on a daily basis by terrorist actions, kidnapping for ransom and private justice. The protection of human rights was closely linked to the peace process, and dialogue and negotiation was the path favoured by Colombia.

94. Colombia was working with the Office of the High Commissioner for Human Rights; the latter had established a permanent office in the country, in April 1997, the mere existence of which had already contributed to an increased awareness of human rights. His country was conducting a very frank discussion with the international community on various aspects of the national situation, and would incorporate the new insights gained therefrom into the new human rights policy which would shortly be announced by President Andrés Prastrana Arango.

95. His country shared the perception of the High Commissioner for Human Rights regarding the progress made since Vienna and the magnitude of what remained to be done in order to implement the Programme of Action.

The meeting rose at 12.35 p.m.